



# Trail Blazing

## Letter from the Chairman

Number 5, August, 1977

This is our final newsletter. The Trails Council is winding up its work and preparing to disappear. Our Terms of Reference set our tenure for a two year period ending August 31, 1977. We are now writing our Final Report, and as noted in the previous issue of June, briefs were received for consideration through July 15. Target date for submission of the report to the Minister of Natural Resources is September 1, 1977. We assume that the report may be tabled in the Legislature this fall. As this Council will have ceased to exist by then, continuing interest in the recommendations contained in the report will have to rest with the individual trail users, clubs and organizations as well as with the government.

The Trails Symposium held in Toronto, June 11, 1977 was well attended and gave Council an opportunity to discuss policy concerns with a great variety of trail interest groups. Feedback from the discussion groups indicated that our policy conclusions were generally in accordance with group consensus. We were assured by the Honourable Frank S. Miller, Minister of Natural Resources, that a draft act for relief of landowner liability has been prepared by the Ministry of the Attorney General. This represents specific government response to our earliest and most urgent recommendation.

The final two public meetings, Kingston on May 31 - June 2, and Owen Sound on July 5 - 7, were both surprisingly well attended for summer meetings. We heard increasing, and strongly voiced, concerns from farmers over recreation trails on good agricultural land. Apparently some country federations of agriculture have assumed that future trails are to be imposed, a la highway and hydro route expropriation methods, on farms. Council has never said this nor has it recommended such methods. We have recognized the privacy of the landowner and his voluntary agreement to trail development.

We also heard a trailbiker say "--- we can rip up a piece of

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swamp - come back two weeks later and you'd never know we'd been there---".

Perhaps that's the way certain power recreationists see things; but biologists and naturalists see them differently and with good reason. As long as such attitudes of environmental disregard are evident, restrictive zoning and regulation of people and machines will be required.

We heard of significant over-use problems on the Bruce Peninsula section of the Bruce Trail as well as an alarming increase in numbers of persons reported missing on this section of trail. This raises some interesting questions for the future. How can supply and demand be balanced? How can the quality of experience be preserved without some sort of means of regulating level of use? Will quota systems have to be instituted, as now used on some very popular canoe routes in Algonquin Park?

In considering the current supply of all types of trail recreation opportunities throughout the province we have come across some surprising discrepancies. Hiking, canoeing, snowmobiling, snowshoeing and cross country skiing all seem to be well recognized and accommodated on both private and public land. Bicycling is quite popular but very few separate trails exist and Ministry of Transportation and Communications policy on bicycling is to say the least inadequate and inconsistent. Vita parcoure trails are still in the embryo stage of development in spite of the obvious public health and fitness benefits. Horseback riding, trail biking and four-wheel driving all exist but with very little public support. There appears to be a very strong reluctance to allow these activities on public lands. An explanation might be made for exclusion of the two power activities on the basis of social and environmental incompatibility, but it is difficult to understand such exclusions applied to horseback riding.

An examination of the 1975 Administrative Policies of the Ontario Provincial Parks Systems with respect to identification of recreation activities which are deemed appropriate and inappropriate in the various classes of parks show some curious relationships. Activities such as ATV, bicycling, hunting, miniature golf course, dog trails, roller skating, snowmobiling and water skiing are listed as appropriate for some zones of certain classes of parks, but horseback riding, trail biking and four-wheeling are not even listed for consideration. Perhaps this was an oversight in drafting these policy statements but it is difficult to understand parks planners forgetting such a historically significant trail activity as horseback riding.

The solution to over-use and inappropriate use of some lands for certain trail activities, both power and non-power, will lie in provision of a reasonable level of opportunity for all activities in properly selected and designated areas.

W.E. Coates,  
Chairman.

## Public Access to Public Lands in Southern Ontario

(Presented by Mrs. M. McCullum at Trails Symposium '77)

### NORTH/SOUTH

To the north and the south of the French River and Lake Nipissing, the contrasts and reversing ratios of supply and demand are obvious and evident in the differences of land mass and population densities.

Since the special concerns and opportunities in Northern Ontario will be presented by one of our Northern Members I will speak to the needs, concerns, opportunities and the potential for trails in Southern Ontario.

This Council has been made keenly aware of the critical needs of the trail interest groups of Southern Ontario. Rapid land development, agricultural requirements, high population density and the desire and need to recreate outdoors, all these coverage on the land supply of Southern Ontario.

Landowners have been supported in their concerns regarding liability, damage, incentives, property rights, by the trail interest groups.

Council has recognized the validity of their concerns. A large majority of the presentations to Council, have suggested that greater recreational trail use should be made of our public lands.

If the solution were to locate recreational trails on all public lands .... we would have little need to be here today. You and I would be out enjoying those trails.

### PROVINCIAL PARKS

At first glance it appears that our Provincial Parks could provide the answer.

However, some of our Parks are unable or unsuited to recreational trails.

Some are Nature Reserves or Environmental Parks where access is necessarily restricted to very specific and limited use. Some Parks are Wilderness Parks, difficult to reach and suited to the experienced person. Some are designated as Recreation Parks. Trail activities such as we enjoy are however, not yet provided, with the exception of canoeing and snowshoeing. The present policy for Parks refers to Nature Trails and Interpretive Trails.

Should our Provincial Parks make provision for all trail activities? In all Parks?

Would recreational trails diminish the present enjoyment of our Parks, for campers, for families? Or would trails encourage them towards healthy positive action?



## CONSERVATION AUTHORITY LANDS

The concern of the 39 Conservation Authorities is naturally conservation and flood control.

Since many communities were first settled near water, it is not surprising to find that many Conservation Authorities have directed their attention to those waters and floodplains. The result is that some Authority Lands are in close proximity to communities.

It is therefore, reasonable to suggest that these lands could serve the community for recreation on a day use basis. Could trails serve many different interests? Since many Authority lands are aligned with valley lands and watersheds, could these lands contribute to continuous and extensive trail routes?

Each of the 39 Conservation Authorities must respond to the mandate of the Municipality within its watershed.

Therefore, while we may argue that Conservation Lands are Public, we must acknowledge that it is the municipal policy that determines how these lands will be used.

## AGREEMENT FORESTS

County and Regional Forests are more commonly known as Agreement Forests.

They are held under a variety of Regional and County public ownerships, and are managed under agreement with the Provincial Government.

These Forests were planted on sandy wastelands, with fast growing pine for soil retention and pulpwood harvesting. The judicious harvesting of the Agreement Forests is now producing the natural forest evolution, with hardwoods and herbaceous shrubs providing cover and food for wildlife.

The firebreaks and planting separations, together with the forest maintenance paths, are ideal trails, year round, for a wide variety of recreational activities. However, the present policies relating to the management do not fully provide for suitable trail recreations. The several public ownerships require more acceptable incentives to realize the potential for trail usage without endangering the forest growth and timber production.

Should Agreement Forests permit trail recreation use? Are all trail activities suited to the Forests? What is the responsibility of the recreationist in the Agreement Forest?

## PUBLIC ROAD ALLOWANCES

Many public road allowances do serve trail recreations at this time. Many briefs have suggested that they should continue to serve as trail routes.

Surveyed in the last century, many 66 foot road allowances have been intentionally left, unimproved, natural and grown in. Some trails take advantage of road allowances which serve minimal traffic use without relinquishing the charm that captivates the trail user.

Many of these unimproved road allowances are now providing unbroken trail mileages.

The problems of liability and instability as well as entrance to trails located on private lands, makes the public road allowance appear to be the answer to providing trails. They are open, they are linear, they are not privately owned/and the recreationist happily uses them as they are...unimproved and natural.

How do we protect them? How do we secure the natural unmanicured charm of these road allowances? How do we preserve the tree shade, the intriguing contours, the unexpected views? Should we formulate special road engineering standards for those road allowances which can become trail corridors; stipulating the degrees of improvement and widening that would be acceptable to the trail? If we do provide special trail standards for the public road allowance, have we infringed on the property rights of the adjacent landowner? The development plans of the municipality? Should municipalities reserve certain road rights-of-way for recreational corridors? What standards would protect the trail located on a road allowance?

## HYDRO & RAILWAY CORRIDORS

The ownership of hydro corridors can be confusing. The private landowner may retain ownership of the corridor, having an agreement with hydro for easements only. Or Hydro may own the land corridor, leasing it back to the farmer for agricultural use. Or Hydro may have complete and outright ownership. It is the latter ownership which may provide the opportunity for recreational use within the service corridor.

The abandonment of a railway right-of-way might have all the necessary physical characteristics for a trail route or section of a long distance trail. It would seem to be public land in a general sense, however, if the original deeds for the railway state that the right-of-way will revert back to the landowner, or if the option to purchase is first available to the adjacent landowners, then the opportunity to utilize that abandoned railway route may be difficult to acquire for a recreational trail corridor.

Where a RR has severed farmlands, it would be reasonable to expect

that the affected landowner would view the use of the right-of-way differently to the trail planners. But if hydro corridors or RR rights-of-way can provide significant linkage or section for major trail corridors, which use will serve in the best interests of the people? How do we reconcile the needs of the trail recreationists with the needs of the farmer?

### Long Distance Trails

Many views and opinions have been expressed by Council Members as well as the general public, regarding the value and potential for a trails system in Ontario. Such a system of trails could provide the opportunity for community trails to link with major trails and these would in turn become part of significant trail corridors serving a variety of trail activities all year round. The potential for encouraging recreational travel for day, for weekend or vacation times by means of trails, introduces a whole spectrum of possibilities.

Should a system of trails take full advantage of all suitable public lands and rights-of-way along a planned route, or should permission be sought from the private landowners along the route to provide passage across their land?

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### Public Use of Public Lands in Northern Ontario

(Presented by Mr. B. Gowans at Trails Symposium '77)

The 90% of the province known as northern Ontario is north and west of Parry Sound and mostly Crown land. This area is roughly 9 times the size of southern Ontario and has flora and fauna of every description from heavily forested areas in the southern part to the treed muskeg of the James Bay Lowlands.

The thrust of the briefs listened to by Council in the last couple of years has made one point clear. Most of the people speaking for trail users and landowners consider the whole of the province in terms of southern Ontario with little or no understanding of the north. A trail was a footpath beside some pleasant river, through a hydro corridor and along the back of some farmer's field. A wilderness experience was the Bruce Trail. North was somewhere around Barrie. I am not putting down these activities but there is more.

Lest we in northern Ontario get too patronizing, "Let me tell you," we are no better. When we hear talk of class A farmland, unopened road allowances, and agreement forests we ask, "Why go to all this bother? Cut a trail out of the bush," not realizing that there is little or no Crown land available.



The public land that is available has such a high use factor that the recreating public has to rely on the generosity of the private landowner. It has become evident that misunderstanding causes most of the mistrust and impatience between the various regions of the province.

I will try to put northern Ontario in its proper perspective. The land for the most part is bush, water and muskeg under control of the Crown, with huge areas owned or under licence by industry mostly engaged in logging, mining and railroading. There is some farming along the major highways. The population is concentrated in a few moderately sized cities and small towns.

In and around the urban centres the pressures and problems associated with trail activities are often much the same in the whole province, and will require the same solutions, but this is a very small part of the north.

The control of most of the land is in the hands of land managers working for both the public and private sectors. These people, because of the size of the communities and the outdoor orientation of much of the recreation, carry a very high profile and are relatively well known. They are entrusted with a high degree of control over the land which they manage and often tend to view it as their own. Naturally their own preferences and cautions will influence who they will or will not allow to use the land. This will, of course, benefit some trail users more than others.

The large private land holder, because of increased public awareness and pressures, seem very anxious to allow public use of their lands. However, their hands are tied because of the unsettled state of occupier's liability, trespass laws, and the prevalence of vandalism. Some of them, because of far-flung holdings, provincially, nationally, and even internationally, are tied up in a bureaucratic nightmare so that even the simplest decisions often take months. Of course, the lands they own or lease are also subject to government regulations as to their use.

The trail user approaching the government land manager is in another ball park altogether. The lack of liaison between the different ministries and even within a particular ministry causes concern. A case in point would be a snowmobile trail built by a club and partially financed by public funds in the Elliott Lake area. When the club went to use it one weekend they found 15 miles of it bulldozed to the ground by a mining exploration company. Both uses were perfectly legal. It was settled but at some expense and hard feelings.

The lack of clear cut legislation regarding outdoor recreation on Crown land causes confusion and confrontation between the various government agencies given the responsibility to manage. Directives often come out of

Toronto from people not familiar with the north and by the time the local consequences of such actions filter up through a bureaucracy the damage has been done. Of course, this puts the local Ministry people in a very difficult position.

This part of my talk is not meant to be an indictment on land managers but only to lay out the fact that they are only people working in an imperfect system with insufficient guidelines.

The trail users in the north, having much Crown land available, have less need to join trail clubs and organizations. This has led to a situation wherein provincial trail organizations are more representative of the south. It follows that when these organizations approach the government on policy matters or visa versa the whole Ontario picture is not always complete.

When lumber companies obtain cutting licences from the Crown they build fine roads and bridges and then when their use is ended they often proceed, because of liability problems, to destroy them. We would like to see many of these roads maintained or at least left as is for public use.

On the same vein many traditional trail routes are turned into roads when new leases are gained. This, of course, upsets people who have used these trails for years. Some formula should be devised to recognize prior rights. A trail club taking over traditional routes and turning them into public trails would also be undesirable to wilderness travellers. Most wilderness trail users desire only trail head parking. It is not uncommon to have your car ticketed for parking on the highway shoulders by O.P.P., and quite rightly so.

Many wilderness trail users desire to have some monitoring process established by the MNR to protect the quality of experience. It is very disappointing to travel a great distance for a white water canoe trip and have to wait in line to put your canoe into the water and then camp side by side along the route.

Registration of extended wilderness travel would also give the MNR an opportunity to advise the users of the conditions of the trail and any particular hazards they may encounter. It would pinpoint the identity of the users and the routes taken if a search and rescue became necessary. Most of us have little concept of the great cost of a search and the personal danger and hardships endured by the searchers.

The day when one will no longer be free to roam on Crown land as he pleases is rapidly approaching. As user pressure increases the necessity for regulation will also increase. Regulations which those of us from northern Ontario traditionally dislike. When this time comes we must be sure that input comes from all the residents of Ontario in a form that will reflect the desires of the people affected.



### Public Use of Private Land

(Presented by Mr. R. Jones at Trails Symposium '77)

On discussing this issue it is probably useful to understand jointly the term "private land" and the rights that accompany ownership. In most people's minds it means the right of the owner or occupier to exclude others.

This "right" as we know has been subject to various activities of the state, the ultimate power being that power of expropriation. The state has pledged to protect private land rights as well through instruments such as The Petty Trespass Act. The public use of private land has been categorized by land holders as: Individuals generally anonymous who hunt, fish, or recreate with or without permission; or the earlier mentioned "state" which through it's agencies has secured or arranged for the use of private land on a more permanent basis for the public such as communication, power, or transportation corridors, or some other use as determined by public need.

However, more recently a new demand has been noted by landowners, a new entity, neither anonymous, individual recreationist, or all powerful state. I refer of course to trail clubs and associations.

The variety in private landowners is so diverse that it is almost impossible to categorize. The reasons for owning land range from: a means to earn a living - farming; A way of life - rural residential or retreat; short or long term investments - speculators. Other reasons or combinations of ownership exist as well that are specific to each individual who owns property. Little wonder then that it is a task of immense proportions to determine a trail route acquisition policy that will work in every instance. In fact, it may seem obvious that it is useless to try. But instead a variety of programs and approaches should be developed.

Most of you have your own individual perspective of the landowners view of the public's use of private land. No doubt your views will vary widely too, depending on what contacts you have made and whether or not you are a landowner yourself. Certainly there has been no apparent consistency in briefs received by the Ontario Trails Council except that both landowners and trail users appear to endorse the concept of multiple land use. The concern, of course, is "on what terms will the land be used?"

Going back a few years, when population increases and subsequent public pressures caused governments to acquire private land for utility easements, highways, etc. at an increasing rate, landowners became alarmed and frequently hostile. They held the view (often with good reason) that they were being unfairly treated. The compensation being offered for their contribution to society was grossly inadequate. They resented being displaced

or having to subsidize, through giving up land, the life style of urbanites. A life style that was generally foreign to their own.

As the process of private land acquisition has developed I am pleased to note that so has the attitude of more land securement agencies improved. Although not entirely to the satisfaction of everyone. A landowner cannot yet accept that a proposal or a contract given to him is the best possible deal for him.

The other significant public use of private land (that of individual recreationists) has a historical development as well.

Only a generation or two ago most recreational land use was reciprocal or had benefits flowing both ways. As the vast majority of citizens were landowners, no one objected too much when someone hunted or fished their property. However, in more recent times, the occasional visitor has multiplied into "invading hordes" depending on property location, and the particular attraction inherent thereon.

The landowner then wonders about the reciprocity. What corresponding benefit is offered the landowning citizen by those who seek the use of his facilities? This injustice is compounded by the obvious fact that across that urban line, recreation, service, etc. is on the basis of user pays. A landowner finds he pays; to park his car (meter), to drive his car (licence) and even take his family to some municipal or provincial park and certainly for any of the other amenities or services associated with urban living.

One other common (public use of private land) that I will refer to is the business relationship where the entrepreneur provides specific facilities for the use of the public either for direct income or as an attraction to encourage patronage of some other income earning facility. This appears to be a growing trend. The possible competition between businesses and volunteer clubs for available recreation land is worthy of noting.

One concern by landowners is in the apparent rejection by trail clubs of existing publicly owned land, unused highway lands, provincial parks, county forests and so on. Some comments by trail users would indicate that the public agencies are not overly receptive to trails either. It then becomes a little difficult for the private landowner to understand Government agencies denying access to public land and yet Government encouraging public use of privately owned land (gratuitous, of course).

To be more specific about landowner concerns I will itemize them now and deal briefly with each.

1. Liability: The landowners legal position in relation to his  
his visitor. No other concern has prompted such response.

The only apparent discrepancy is on what method will be used to alleviate the concern and to what degree.

2. **Property Rights:** A frequently expressed concern by landowners is the fear that continued occupation of a part of their property by others would confer some of the traditional rights of private landowners to the transient occupant. Landowners, particularly farmers, have insisted that the ongoing operation of their business must not be affected by the presence of trail users, including the sale of their property.
3. **Compensation:** The principles of compensation for use is not as easily dealt with as the previously mentioned two issues. Although many briefs to the OTC supported this concept few offered workable mechanisms to achieve this end.

It was apparent that many trail users would feel more comfortable about their arrangement if the landowner was benefiting from their presence on his property. However, some trail activities operate on a minimum of actual cash and it would be prohibitive under their present system to facilitate a formal rental agreement with a landowner without government assistance.

Some other trail groups utilize a relatively large amount of funds in developing and maintaining their trails and it would seem only a matter of altering priorities and increasing present funding to bring into existence formal contracts.

As well as submissions concerning the ability to pay for land use, some presentations dealt more with the general philosophy of paying the landowner. One of the questions you will be asked to deal with this morning is just that. Should landowners receive direct compensation for trail use? And from what source should the funds be derived?

The other aspect of compensation brings more unanimity, that of recovering for damages or loss. The Province presently has programs to facilitate landowner compensation in other recreation endeavours notably The Hunter Damage Compensation Act.

The other major consideration is enforcement. If a landowner becomes involved in a trails system, will he be complicating an already burdensome situation - that of enforcing and prosecuting the act of trespass? We have been told repeatedly that a new trespass act must be written. How should trespass be defined and who will enforce it? Will laws work? What assurances?

In summary, to review the points raised and offer a few observations, let me recall the encounters with the public of one landowner



just in the past few months. Hunters, frequently trespassing and running dogs; household garbage dropped on two occasions in a woodlot driveway; snowmachines running on winter wheat and young trees - trespassing; young trees dug up and removed; produce and firewood taken. Notably none of this activity was associated with trail use but most landowners don't yet differentiate between trail users and wanderers.

These comments, generally I believe, reflect the landowners concerns.

These too represent the barriers and opportunities that face trail builders.

In preparing the final report of the Ontario Trails Council, we the members of the Council and you, the involved public, also share a significant responsibility. If we err - or are unable to make necessary compromises, a future trails program for Ontario may never get off the drawing board.

If, instead, our proposals are sound, fair, and progressive and I am convinced they can be, then you with us will have played out an important scene in Ontario history.

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#### Role of All Governments in An Ontario Trails Program

(Presented by Mr. N. Mason at Trails Symposium '77)

Perhaps the attitude of a person towards the role of government in society is based upon his perception of government. As we move closer to 1981 (Bill Davis' balanced budget) and at the same time move towards 1984 (George Orwell's cynicism about government), a growing cynicism about the government evolves.

There are people who say that the government that 'governs least, governs best' and yet at the same time, people are looking for more programs from government. Perhaps as we have gone throughout Ontario, the one point which has become abundantly clear is that if there is any particular law about trail users and their philosophies, it closely parallels Newton's Law that "for every action there is an equal and valid reaction". It seems that in trail use, for every opinion, there is an equal and valid counter opinion.

What has the Council been told about the role the government should play? This is characterized by contradictions and dichotomies. The Council has been told that: there is a need for a government to obtain land for trails; a need for monitoring of trail use by government; for the policing by government; for government funding for trails; for a ruling by government on compatibility and for the enforcement of that compatibility.

The opposite school of thought has told the Council that the 'self-help' concept is the greatest attraction to the trail experience, therefore, there was no real role for government to play. In fact, a person who endorses this self-help and has the quality of experience to get away from the many systems that are imposed upon us in 1977, certainly does not want to see the government coming in and imposing anything on him or her as he recreates on a particular trail of his choice.

What, then, would the compromise school of thought be? It would appear to be a government which helps procure and protect trails, a government that would supply funding assistance if required or requested, a government that would enforce or help to enforce but would not interfere if not required.

Then these three points are the ideals, but if the role of government in a democratic society is anything, it should be to structure that ideal for the citizens of that society. If there has been a consistency of those representing contradictions, the most consistent point we have heard is "that there is a definite need for landowner liability (except for malicious acts) if he lets people use his land for recreational purposes.

There is also consistency from landowners who say that there is a need for government to do something about The Petty Trespass Act - either have more teeth in it or have a positive entry concept developed rather than presently, a negative image. Land should be considered as private land unless posted as public land.

Regarding the recreational use of public lands and provincial parks, two schools of thought have emerged. One endorses the thought that provincial parks should be closed to motorized recreational use while the other indicates that they should be open.

The same situation prevails with use of public and Crown lands as opposed to provincial parks. From briefs, we have heard that Crown lands should be closed to motorized recreationists and, from the opposite school, the evidence of many cases where the environmental impact of motorized recreationists is grossly exaggerated.

The vast amount of Crown land available in Northern Ontario also makes closing of these areas to motorized recreational users appear unrealistic. The opposite view suggests that these areas could provide alternative recreational sites for the various activities.

Use of rights-of-way, standard railway and road allowances for trail development. Unopen road allowances may make possible recreational routes for trails. This would depend, of course, where the road allowance traverses. Naturally, if it traverses private land, no farmer would be delighted, especially if he usually has the right to farm it and see it open as a recreational trail corridor. Road allowances were set aside to be used

if necessary for vehicle use and private landowners will probably object to any use of these unopen road allowances.

However, there are other road allowances that have been open in the past which are abandoned and may make excellent corridors for trails. While many still exist, they are in a rather confused status. What is meant here is that although trails are being developed over these road allowances, they really have no stability. If there was a time to make these trails stable, it may be in 1977 as we may not have this opportunity in another ten years.

In developing road allowances, legislation which may be correct in its intent, often destroys the scenic nature of these routes. Road widening, tree removal and upgrading of road beds are examples of what is meant. Yet, if the road allowance is used only incidentally by autos and provides a scenic part of the country for recreationists, there should be some compromise to equal those needs. If there is a need for legislation in that area, probably it is not to focus or impose all legislation concerning roads in all situations.

Some people have asked that the government should play the role of Guardian Angel as far as trails on landowners' properties are concerned. This is, of course, not an easy role. The Council has been told that there is an increasing demand by urbanites for recreational lands and trails. We are told that more and more people are choosing to live in the urban community. Sixty-two per cent of Ontario residents presently live in an urban society and this figure is increasing.

Therefore, the government has the role of "Guardian Angel" to provide for these urbanites some recreational outlet within the countryside. At the same time, the landowner naturally looks to the government as a "Guardian Angel" to protect him from these attacking hordes of recreationists who seem to have less and less respect for private land. Where the compromise lies there would be a challenge of the Council and this is to suggest to the government some particular policies that can make the role a realistic one. Perhaps the government should have a trail ombudsman.

As we get more and more government bureaucracy, it then becomes more difficult for the average citizen to work with the MNR and its peculiar bureaucracy, the MTC and the zoning bylaws of various municipalities. Therefore, we need some agency to act as ombudsman in order to cut through that particular barrage of red tape in government.

The Council has been asked to see that the government plays a role in the mapping of trails. The Pro school says that this would be a great aid to the trail user in Ontario. A map would enable one to know where all the trails are and therefore practice his particular recreational activity. The opposite to this is the group that says that mapping is not required



because in many cases, a snowmobile trail has been established by a snowmobile group to cross private land. It is only a snowmobile trail and is not available in the summer.

The farmer who has generously offered his land to be transversed by snowmobilers in winter does not want a summer recreational activity to walk through his cornfield. Mapping of that trail would bring that about.

We have been asked that in northern Ontario there is a need for the licensing of guides and outfitters. There appears to be some difficulty in an inexperienced guide setting himself up as a guide or outfitter and leading people astray in more ways than one.

Individuals and trail clubs have asked for tax incentives for landowners. If a landowner is making land available to the recreationists, can he be reimbursed through tax reductions on his property? This point has been conveyed to the Council by many. It may sound easy but there appears to be no particular method of doing it in any municipality and it may be even more difficult for the provincial government. Therefore, is there a need for a Trails Act?

This is one point that the Council would like to find out from the Symposium. We seem to have the need for an Act and yet we also have an abundance of government legislation at this time. Would a Trails Act make the situation better or just make it another legal entanglement?

In summary, the government has perhaps three roles to play:

1. This is as the complete trail builder, monitor and policer. Some people like it this way. The weaknesses here are that it would stifle the self-help and the initiative of the individual and the cost would be tremendously high.
2. The reciprocal is to have the government completely withdraw the Council. We have been told by people who say that there is no need for the government to play a role in bringing about trails and therefore dissolve the whole operation. The weakness in this suggestion is that if the government is to represent the people, it should represent the people who do have a desire but have no vehicle in which to have their desires accomplished.
3. If government and politics are supposedly the art of compromise, then compromise between these extremes could be the government supplying locally some aid to those who require it, on a shared-cost basis. The government acting as an overall umbrella, coordinator, but not enforcing and not interfering to the degree where people may fear that the .....particular activity is not destroyed. I think that if the government could play that role and play it well, that the reflections of the desires of people would be met by a government policy on trails.

Role of Trail Clubs and Associations in the Ontario Trails Program

(Presented by Mr. B. Jobbins at Trails Symposium '77)

As the Ontario Trails Council has travelled throughout the province during the past year and a half, we have received a very large number of briefs from clubs and associations.

It is quite evident to the Ontario Trails Council that there was a profound variance to strengths and weaknesses of various trail clubs and associations. It is very obvious that organized groups of trail users, in the form of clubs and associations, can accomplish what cannot be done by individuals.

We have received a number of briefs from concerned individuals who are not part of any organization or association. Council has been made very aware that some clubs and associations are extremely well organized, very well informed, cohesive and determined in their approach to their particular type of trail activity.

At the other end of the spectrum, some trail activity groups have given the appearance of drifting about in various recommendations regarding specifications. In certain cases even contradicting the same trail activity group's expressed opinions in other parts in the same region of the province.

Some trail clubs and associations have recommended to Council for tighter controls and further detailing of their trail activity. Alternatively, other trail groups and associations find that this is not necessary or desirable.

In summary, the role of clubs and associations in an Ontario Trails Program is as varied as the number of groups and as indicated by the other presentations.

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Trail Worker Honoured

Ray Lowes, one of the founding members of the Bruce Trail Association, was invested with the Ontario Medal for Good Citizenship, by the Honourable Pauline McGibbon on June 30, 1977, for his efforts in protecting the Niagara Escarpment and the Bruce Trail.

The Ontario Medal was founded in 1973 and given to Ontarians who have "contributed to the common good in any area of society and acting in a particularly generous, kind or self-sacrificing way in the common good without expectation of reward".

The medal is intended as recognition of efforts and performance over a long period of time.

In discussing the award, the Premier, the Honourable William Davis, described Mr. Lowes as "the type of man who recognizes a problem

or need in our society and sets out to do something about it. He also stated that Mr. Lowes can look upon the Bruce Trail and the Niagara Escarpment Commission as two projects that he worked hard and long to see brought to fruition.

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#### Canoeing in Ontario, by Ron Johnstone

(Ron Johnstone was the past president of Canoe Ontario and is currently president of the Canadian Recreational Canoeing Association.)

Most of Ontario canoeists do not belong to clubs or organized groups. Most of the ones that carry people on trips in the beautiful Ontario waterways are stored in homes and garages. It is difficult to serve canoeists in an organized way. It is difficult to accurately know what kinds of services and facilities are desired by the touring or recreational canoeists.

In the immediate past Canoe Ontario and the Canadian Recreational Canoeing Associations have come into being. They both are making representations to Governments to ensure the continuance of canoe routes and policies that will guarantee canoe safety.

The C.R.C.A. in conjunction with Canoe Ontario and all of the other Provincial Canoe Associations have developed a set of 5 progressive standards. These standards have a number of functions. Firstly, they allow canoeists a method of self-testing and an orderly method of progression to enable canoeists a method of developing needed skills for more difficult trips.

Secondly, the organizations are using the 1 - 5 standard to rate canoe trips in degree of difficulty. Now, for the first time, a canoeists who rates himself/herself as a level 3 canoeist will know that they are safe and can handle a canoe trip up to a level 3 rating. This does not stop anyone from accepting the challenge of a level 4 trip - but in accepting the challenge they also accept the risk.

Thirdly, we are asking that trips rated 4 or 5 not be readily accessible in route description or mapping - part of preparing to explore "wilderness" waterways is the research and study of the topographical maps and the step by step and mile by mile pre-trip log necessary to safely complete such a trip. You will know what you are getting into and through your previous experience you will be prepared.

There are many trippers in Ontario who, through experience, are perfectly safe and competent to trip any river or lake system in the Province. They have had no formal training - and need none! They are the leading edge of our canoeing heritage. But the revolutions in transportation and communications have made systems that were once remote and isolated as close



as your own back yard. The levels rating system will provide a measuring stick so that all canoeists may enjoy our canoeing heritage but at the same time have the experience and the concern for our wilderness environment to use it, not advise it.

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According to You

We have reproduced for your information a brief presented by Number 6 District of the Ontario Provincial Police.

"This brief is submitted by the Ontario Provincial Police with no malice or blame being put on any person or persons. It is presented only with the thought of preventing the loss of life, serious injury to persons using the trail or property damage along the Bruce Trail with the emphasis in this case being placed on the area of the Bruce Trail within St. Edmunds Township.

The information for this brief comes from members of the Ministry of Natural Resources and Ontario Provincial Police who are knowledgeable and very close to the problems encountered.

It should be noted that since the enclosed information was compiled early in the month of June, six additional persons have been lost and located on the Bruce Trail and a search by Ontario Provincial Police Marine Personnel located two lost persons in a disabled boat within Fathom Five Provincial Park. It can be further noted that since this information was compiled a bush fire took place along the trail which burned approximately two acres and involved several manhours extinguishing same.

Although the Ministry of Natural Resources, Parks Section, do not have any direct responsibility to the trail except within the park boundaries (Cyprus Lake and Fathom Five) they do along with the O.P.P., become involved during certain circumstances along the entire stretch. It should be noted that there is also a considerable amount of Crown land along this portion of the Bruce Trail and it falls under the jurisdiction of The Public Lands Act. The current status of the Fathom Five land base is that it is Crown land, it has not yet been put into park regulations.

Within the boundaries of Cyprus Lake Park, the Ministry of Natural Resources staff attempt to control the no camping or open fires along the shoreline area. Outside of the park area, the Ministry of Natural Resources and the O.P.P. are regularly involved with a variety of occurrences which include search and rescue, first aid, fire suppression and law enforcement.

As a result of this involvement and monitoring over the past five years, several facts emerge:

- a) The Peninsula section of the Bruce Trail is highly recognized and popular as both a hiking and camping haven. Although many thousands of fine hikers visit the area annually there is a small percentage of users who are not true hikers and as such are poorly informed and unprepared for the rugged conditions encountered. Many do not even have maps or guides; in fact there have been 14 missing persons reported and action taken since May 1st.
- b) Many users misjudge the time and distance required to cover their planned walks and find themselves caught unprepared after dark. In many cases, they have left word with friends on when to expect them back and a call out is made re: the missing person. This type of problem seems to occur mostly between Dunks Bay and Cyprus Lake and occasionally between Cyprus Lake and Halfway Dump (Bannett Lake access).
- c) Large numbers of users are unaware of the fact that this area is a fire district and that the Forest Fires Prevention Act applies. Most are also ignorant of the safe practices regarding campfires (i.e. building, control, means of extinguishing). Severe problems and hazards can occur with ignition in the deep humus layers prevalent through out this area.
- d) There is a high incidence of users with improper equipment considering the conditions encountered. Some examples being improper footwear, weight of packs and equipment (we have encountered 90 lb. packs), lack of emergency gear, etc.
- e) Despite publicity by the Trail Association and Clubs many non-member users are still unaware of the white blaze marking system.
- f) Large numbers of youth groups use portions of the trail and in several cases, the leaders are not properly prepared or trained to lead and direct these groups.
- g) There seems to be a general, although false, notion that all of the land along the route is public and as such many users feel that they can do as they wish such as access, camping, destroy growth for fires, dump litter, etc.

It is estimated that, including Cyprus Lake users, about 170,000 persons use parts of the peninsula section annually. During the past few winters, there has been increasing use of the trail throughout the winter months as well. Many hours each season are spent in patrol vessel use to conduct searches, rescue, fire suppression and the delivery of compassionate messages to trail users by both O.P.P. and M.N.R. vessels.

We would respectfully ask that consideration be given to implementing some or all of the following as a means to help protect both the users and the resources:

- a) Provide more emphasis on the education of all users, for example, additional publicity as to use, rules, applicable laws, etc. while on private or public lands. This could include training to organized groups, educational bodies, newspaper and media advertising. Possibly various camper and hiker associations in the U.S.A. could be made aware of the publicity due to the fact that a number of persons running into difficulty on the trail are visitors from that country.
- b) Improved signage providing full instructions and other pertinent information at all access locations of the trail.
- c) All users should be encouraged to use portable stoves and avoid where possible use of open fires.
- d) Provide handout brochures detailing the trail in this area. The example is the local club guide pamphlet. In addition, it is suggested that the Trail Association produce individual sections of their guide book and maps for sale. Many non-members are reluctant to purchase the guide for the entire trail at the current cost of \$6.00. The individual section guides could be priced not only at a popular price but at a profit as well, since many would likely be sold. These copies could include the rules etc. as well.
- e) All users should be encouraged to check in and OUT at the O.P.P. detachment, M.N.R. offices or other designated points at some access areas (example, the store at Dyers Bay).

NOTE: If hikers find themselves in difficulty they should attempt to reach the shore for easier locating and pick up by patrol vessels.

Consideration be given to approaching Global T.V., C.T.V., and the C.B.C. with the idea of doing a feature program on the trail covering:

1. The trail itself - nature at its best.
2. The problems being encountered by the agencies along the trail.
3. What can be done to assist the agencies and the hikers themselves.

Both the O.P.P. and M.N.R. parks section could and will provide assistance where possible.

The O.P.P. and certain designated M.N.R. staff will continue to carry out enforcement under current applicable laws when circumstances permit. Some of these laws include:

- a) Forest Fires Prevention Act  
Regulation 354

Section 7: Every person who starts a fire out of doors for the purpose of cooking or obtaining warmth shall,



- 1) Start the fire on a site that is bare rock or bare mineral soil or free from flammable materials; and
- 2) Keep an area of at least three feet in width immediately outside the edge of the fire cleared to bare rock or to bare mineral soil or cleared of flammable materials.

Section 9: Every person who starts a fire or causes a fire to be started out of doors shall,

- 1) take all reasonable steps to keep the fire under control,
- 2) ensure that a responsible person tends the fire,
- 3) extinguish the fire before quitting the site of the fire, and
- 4) where the fire is started under a fire permit, extinguish the fire or cause the fire to be extinguished on or before the expiration of the permit.

b) Public Lands Act

Section 29: Any person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Section 54 (5): Every person who, without lawful authority, travels on a public forest road that has been closed to travel by him under subsection 1 and who has had a reasonable opportunity of knowing that the road has been so closed or who removes or defaces any barricade, light, or notice erected thereon by lawful authority is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. and is also liable to the Crown in right of Ontario for any damage or injury occasioned by such wrongful use, removal or defacement.

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Thank You For Your Help

We are indebted to the following individuals and groups who have come forward or mailed in their suggestions.

Kingston, May 31, 1977

Mr. Max Pater - Eastern Ontario Four Wheel Club - Kingston

Mr. H.S. Lorimer - Model Aeronautics Association - Brockville

Mr. Grant Harvey - The Quinte-Hastings Recreational Trail Association - Belleville

Mr. N. Hart - Thousand Island Motorcycle Club Inc. - Kingston



## Verbal Presentations

Mr. D. Mitcave - The Sydenham Bruce Trail Club - Owen Sound  
Mr. B. Scott - private brief - North Keppel  
Ms. B. Brown - private brief - Bluevale  
Mr. G. Underwood - private brief - Wingham  
Mr. L. Gourlay - private brief - Waterloo

## Mailed In Briefs

Ms. P. Bredehoeft - private brief - Hamilton  
Mr. R.C. Moore - private brief - Brachton  
Mrs. F. Lehman - private brief - Brooklin  
Mr. W. Hodges - Grey County Federation of Agriculture - Mount Forest  
Mr. Ron Kirby - South Grey Regional Trail Association - Mount Forest  
Mr. R.E. Carter - Prince Edward County Association of Snowmobile Clubs - Ameliasburgh  
Mr. W.R. Smithies - private brief - Toronto  
Mr. C. Smith - private brief - Cambridge  
Mr. D. Sinclair - private brief - Orangeville  
Mr. C.K. MacDonald - private brief - Huntsville  
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